

AMENDED IN SENATE SEPTEMBER 4, 2009

AMENDED IN SENATE JUNE 22, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 962

**Introduced by Assembly Member De Leon
(Coauthor: Assembly Member Bonnie Lowenthal)**

February 26, 2009

An act to amend ~~Sections 11106 and~~ *Section* 12316 of, to add Sections 12317 and 12318 to, to add Article 3.5 (commencing with Section 12060) to Chapter 1 of, to add a heading for Chapter 2.6 (commencing with Section 12316) to, and to repeal the heading of Chapter 2.6 (commencing with Section 12320) of, Title 2 of Part 4 of, the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 962, as amended, De Leon. Ammunition.

~~Existing law requires the Department of Justice to maintain records pertaining to firearms transactions.~~

~~This bill would require the department to maintain additional information relating to licensed handgun ammunition vendors, as specified.~~

Existing law generally regulates the sale of ammunition.

~~This bill would establish a program administered by the Department of Justice for licensing handgun ammunition vendors, as specified.~~

~~The bill would establish a database maintained by the department to serve as a registry of handgun ammunition vendors.~~

~~This bill would require that commencing July 1, 2010, unless specifically excluded, no person shall sell or transfer more than 50 rounds of handgun ammunition in any month unless he or she is registered as a handgun ammunition vendor, as defined. The bill would also require employees of those vendors who would handle, sell, or deliver ammunition in the course and scope of their employment to obtain a certificate of eligibility, as specified. The bill would require the Department of Justice to maintain a registry of registered handgun ammunition vendors, as specified. The bill would provide that no vendor would be authorized to sell ammunition pursuant to a handgun ammunition vendor license unless the vendor is listed on the centralized registry.~~

~~The bill would also provide that no retail seller of ammunition *handgun ammunition vendor, as defined*, shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be accessible to a purchaser without the assistance of the ~~retailer~~ *vendor* or employee thereof.~~

~~Existing law generally regulates what information is required to be obtained in connection with the transfer of ammunition.~~

~~This bill would, subject to exceptions, commencing July 1, 2010 February 1, 2011, require certain ammunition vendors *handgun ammunition vendors* to obtain a thumb print and other information from ammunition purchasers, as specified. A violation of these provisions would be a misdemeanor.~~

~~This bill would provide that a person enjoined from engaging in activity associated with a criminal street gang, as specified, would be prohibited from having under his or her possession, custody, or control, any ammunition. Violation of these provisions would be a misdemeanor.~~

~~The bill would prohibit supplying or delivering, as specified, handgun ammunition to prohibited persons, as described, by persons or others who know, or by using reasonable care should know, that the recipient is a person prohibited from possessing ammunition or a minor prohibited from possessing ammunition, as specified. Violation of these provisions is a misdemeanor with specified penalties.~~

~~The bill would provide, subject to exceptions, that commencing July 1, 2010 February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. A violation of these provisions would be a misdemeanor.~~

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 ~~PROTECTION Act of 2009: Providing Regulation and Oversight~~
3 ~~to End Community Terrorism in Our Neighborhoods: Anti-Gang~~
4 ~~Neighborhood Protection Act of 2009.~~

5 SEC. 2. Section 11106 of the Penal Code is amended to read:

6 11106. ~~(a) In order to assist in the investigation of crime, the~~
7 ~~prosecution of civil actions by city attorneys pursuant to paragraph~~
8 ~~(3) of subdivision (c), the arrest and prosecution of criminals, and~~
9 ~~the recovery of lost, stolen, or found property, the Attorney General~~
10 ~~shall keep and properly file a complete record of all copies of~~
11 ~~fingerprints, copies of licenses to carry firearms issued pursuant~~
12 ~~to Section 12050, information reported to the Department of Justice~~
13 ~~pursuant to Section 12053, licensee information pertaining to~~
14 ~~handgun ammunition vendors as specified in Section 12062,~~
15 ~~dealers' records of sales of firearms, reports provided pursuant to~~
16 ~~Section 12072 or 12078, forms provided pursuant to Section 12084,~~
17 ~~as that section read prior to being repealed by the act that amended~~
18 ~~this section, reports provided pursuant to Section 12071 that are~~
19 ~~not dealers' records of sales of firearms, and reports of stolen, lost,~~
20 ~~found, pledged, or pawned property in any city or county of this~~
21 ~~state, and shall, upon proper application therefor, furnish this~~
22 ~~information to the officers referred to in Section 11105.~~

23 ~~(b) (1) Except as provided in subdivision (d), the Attorney~~
24 ~~General shall not retain or compile any information from reports~~
25 ~~filed pursuant to subdivision (a) of Section 12078 for firearms that~~
26 ~~are not handguns, from forms submitted pursuant to Section 12084,~~
27 ~~as that section read prior to being repealed by the act that amended~~
28 ~~this section, for firearms that are not handguns, or from dealers'~~

1 records of sales for firearms that are not handguns. All copies of
 2 the forms submitted, or any information received in electronic
 3 form, pursuant to Section 12084, as that section read prior to being
 4 repealed by the act that amended this section, for firearms that are
 5 not handguns, or of the dealers' records of sales for firearms that
 6 are not handguns shall be destroyed within five days of the
 7 clearance by the Attorney General, unless the purchaser or
 8 transferor is ineligible to take possession of the firearm. All copies
 9 of the reports filed, or any information received in electronic form,
 10 pursuant to subdivision (a) of Section 12078 for firearms that are
 11 not handguns shall be destroyed within five days of the receipt by
 12 the Attorney General, unless retention is necessary for use in a
 13 criminal prosecution.

14 (2) A peace officer, the Attorney General, a Department of
 15 Justice employee designated by the Attorney General, or any
 16 authorized local law enforcement employee shall not retain or
 17 compile any information from a firearms transaction record, as
 18 defined in paragraph (5) of subdivision (c) of Section 12071, for
 19 firearms that are not handguns unless retention or compilation is
 20 necessary for use in a criminal prosecution or in a proceeding to
 21 revoke a license issued pursuant to Section 12071.

22 (3) A violation of this subdivision is a misdemeanor.

23 (e) (1) The Attorney General shall permanently keep and
 24 properly file and maintain all information reported to the
 25 Department of Justice pursuant to Sections 12071, 12072, 12078,
 26 12082, and former Section 12084 or any other law, as to handguns
 27 and maintain a registry thereof.

28 (2) The registry shall consist of all of the following:

29 (A) The name, address, identification of, place of birth (state
 30 or country), complete telephone number, occupation, sex,
 31 description, and all legal names and aliases ever used by the owner
 32 or person being loaned the particular handgun as listed on the
 33 information provided to the department on the Dealers' Record of
 34 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
 35 in former Section 12084, or reports made to the department
 36 pursuant to Section 12078 or any other law.

37 (B) The name and address of, and other information about, any
 38 person (whether a dealer or a private party) from whom the owner
 39 acquired or the person being loaned the particular handgun and
 40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the LEFT, or reports made to the department pursuant to
3 Section 12078 or any other law.

4 (C) Any waiting period exemption applicable to the transaction
5 which resulted in the owner of or the person being loaned the
6 particular handgun acquiring or being loaned that firearm.

7 (D) The manufacturer's name if stamped on the firearm, model
8 name or number if stamped on the firearm, and, if applicable, the
9 serial number, other number (if more than one serial number is
10 stamped on the firearm), caliber, type of firearm, if the firearm is
11 new or used, barrel length, and color of the firearm.

12 (3) Information in the registry referred to in this subdivision
13 shall, upon proper application therefor, be furnished to the officers
14 referred to in Section 11105, to a city attorney prosecuting a civil
15 action, solely for use in prosecuting that civil action and not for
16 any other purpose, or to the person listed in the registry as the
17 owner or person who is listed as being loaned the particular
18 handgun.

19 (4) If any person is listed in the registry as the owner of a firearm
20 through a Dealers' Record of Sale prior to 1979, and the person
21 listed in the registry requests by letter that the Attorney General
22 store and keep the record electronically, as well as in the record's
23 existing photographic, photostatic, or nonerasable optically stored
24 form, the Attorney General shall do so within three working days
25 of receipt of the request. The Attorney General shall, in writing,
26 and as soon as practicable, notify the person requesting electronic
27 storage of the record that the request has been honored as required
28 by this paragraph.

29 (d) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
30 of subdivision (b) of Section 11105 may disseminate the name of
31 the subject of the record, the number of the firearms listed in the
32 record, and the description of any firearm, including the make,
33 model, and caliber, from the record relating to any firearm's sale,
34 transfer, registration, or license record, or any information reported
35 to the Department of Justice pursuant to Section 12021.3, 12053,
36 12071, 12072, 12077, 12078, 12082, or 12285, if the following
37 conditions are met:

38 (A) The subject of the record has been arraigned for a crime in
39 which the victim is a person described in subdivisions (a) to (f),
40 inclusive, of Section 6211 of the Family Code and is being

1 prosecuted or is serving a sentence for the crime, or the subject of
 2 the record is the subject of an emergency protective order, a
 3 temporary restraining order, or an order after hearing, which is in
 4 effect and has been issued by a family court under the Domestic
 5 Violence Protection Act set forth in Division 10 (commencing
 6 with Section 6200) of the Family Code.

7 (B) The information is disseminated only to the victim of the
 8 crime or to the person who has obtained the emergency protective
 9 order, the temporary restraining order, or the order after hearing
 10 issued by the family court.

11 (C) Whenever a law enforcement officer disseminates the
 12 information authorized by this subdivision, that officer or another
 13 officer assigned to the case shall immediately provide the victim
 14 of the crime with a “Victims of Domestic Violence” card, as
 15 specified in subparagraph (H) of paragraph (9) of subdivision (e)
 16 of Section 13701.

17 (2) The victim or person to whom information is disseminated
 18 pursuant to this subdivision may disclose it as he or she deems
 19 necessary to protect himself or herself or another person from
 20 bodily harm by the person who is the subject of the record.

21 ~~SEC. 3.~~

22 *SEC. 2.* Article 3.5 (commencing with Section 12060) is added
 23 to Chapter 1 of Title 2 of Part 4 of the Penal Code, to read:

24
 25 Article 3.5. Handgun Ammunition Vendor Licenses *Vendors*

26
 27 12060. As used in this article, the following terms apply:

- 28 (a) “Department” means the Department of Justice.
- 29 (b) “Handgun ammunition” means handgun ammunition as
 30 defined in subdivision (a) of Section 12323, but excluding
 31 ammunition designed and intended to be used in an “antique
 32 firearm” as defined in Section 921(a)(16) of Title 18 of the United
 33 States Code. Handgun ammunition does not include blanks.
- 34 (c) “*Handgun ammunition vendor*” or “*vendor*” means any
 35 person, firm, corporation, dealer, or any other business enterprise
 36 that is engaged in the retail sale of any handgun ammunition, or
 37 that holds itself out as engaged in the business of selling any
 38 handgun ammunition.
- 39 (e) “~~Immediate family member~~” has the same meaning as set
 40 forth in subdivision (e) of Section 12078.

1 (d) “Licensed handgun ammunition vendor” or “vendor” means
2 a person licensed by the department pursuant to Section 12062.

3 12061. (a) Commencing July 1, 2010, no person shall sell or
4 otherwise transfer ownership of more than 50 rounds of handgun
5 ammunition in any month unless the person is licensed by the
6 department as a licensed handgun ammunition vendor in
7 accordance with Section 12062.

8 (b) Subdivision (a) shall not apply to or affect any of the
9 following:

10 (1) Sales or other transfers of ownership of handgun ammunition
11 by persons licensed pursuant to Chapter 44 (commencing with
12 Section 921) of Title 18 of the United States Code, and the
13 regulations issued pursuant thereto to licensed handgun ammunition
14 vendors who are licensed pursuant to Section 12062.

15 (2) Sales or other transfers of ownership of handgun ammunition
16 by an authorized law enforcement representative of a city, county,
17 or city and county, or the state or federal government to a peace
18 officer authorized to carry a handgun in the course and scope of
19 his or her duties.

20 (3) Sales or other transfers of ownership of handgun ammunition
21 to authorized law enforcement representatives of cities, counties,
22 cities and counties, or state or federal governments for exclusive
23 use by those government agencies if, prior to the delivery, transfer,
24 or sale of handgun ammunition, written authorization from the
25 head of the agency authorizing the transaction is presented to the
26 person from whom the purchase, delivery, or transfer is being
27 made. Proper written authorization is defined as verifiable written
28 certification from the head of the agency by which the purchaser
29 or transferee is employed, identifying the employee as an individual
30 authorized to conduct the transaction, and authorizing the
31 transaction for the exclusive use of the agency by which he or she
32 is employed.

33 (4) Sales or other transfers of ownership of handgun ammunition
34 to authorized representatives of cities, counties, cities and counties,
35 or state or federal governments for those government agencies in
36 which the entity is acquiring the ammunition as part of an
37 authorized, voluntary program in which the entity is buying or
38 receiving ammunition from private individuals.

1 ~~(5) Sales or other transfers of ownership of handgun ammunition~~
2 ~~between immediate family members, spouses, or registered~~
3 ~~domestic partners.~~

4 ~~(6) Sales or other transfers of ownership of handgun ammunition~~
5 ~~to a person licensed as a collector of firearms pursuant to Chapter~~
6 ~~44 (commencing with Section 921) of Title 18 of the United States~~
7 ~~Code and the regulations issued pursuant thereto whose licensed~~
8 ~~premises are within this state and who has a current certificate of~~
9 ~~eligibility issued pursuant to Section 12071.~~

10 ~~(7) Sales or other transfers of ownership of handgun ammunition~~
11 ~~to a consultant-evaluator, as defined in subdivision (s) of Section~~
12 ~~12001.~~

13 ~~(8) The sale or other transfer of ownership of handgun~~
14 ~~ammunition by a person licensed pursuant to Chapter 44~~
15 ~~(commencing with Section 921) of Title 18 of the United States~~
16 ~~Code, and the regulations issued pursuant thereto, to any of the~~
17 ~~following:~~

18 ~~(A) A person licensed as manufacturer of firearms pursuant to~~
19 ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~
20 ~~United States Code.~~

21 ~~(B) A person licensed as an importer of firearms pursuant to~~
22 ~~Chapter 44 (commencing with Section 921) of Title 18 of the~~
23 ~~United States Code.~~

24 ~~(C) A person who is licensed as a dealer in firearms pursuant~~
25 ~~to Chapter 44 (commencing with Section 921) of Title 18 of the~~
26 ~~United States Code, if the dealer receiving that handgun~~
27 ~~ammunition is acting as a wholesaler.~~

28 ~~(9) Sales or other transfers of ownership of handgun ammunition~~
29 ~~by a person designated as a handgun safety instructor by the~~
30 ~~Department of Justice, when acting in the course and scope of his~~
31 ~~or her duties, pursuant to subdivision (d) of Section 12804.~~

32 ~~(e) A violation of this section is a misdemeanor.~~
33 ~~12062. (a) (1) The department is authorized to issue handgun~~
34 ~~ammunition vendor licenses.~~

35 ~~(2) No handgun ammunition vendor license may be issued to~~
36 ~~an applicant who fails to provide a copy of any regulatory or~~
37 ~~business license, or licenses, required by local government, a valid~~
38 ~~seller's permit issued by the State Board of Equalization, a federal~~
39 ~~firearms license if the person is federally licensed, and a certificate~~
40 ~~of eligibility issued pursuant to Section 12071. The license issued~~

1 pursuant to this section shall be issued to an individual and for a
2 specific physical location where the sale or other transfer of
3 ownership of handgun ammunition is to be conducted.

4 (3) The department shall inform applicants who are denied
5 licenses of the reasons for the denial in writing.

6 (b) (1) The handgun ammunition vendor license shall be issued
7 in a form prescribed by the Attorney General and shall be valid
8 for a period of one year. The Attorney General may adopt
9 regulations to administer application procedures and enforcement
10 procedures for the licensee. The Attorney General may adopt
11 regulations that establish grounds for suspension or revocation of
12 the license.

13 (2) The department may charge handgun ammunition vendor
14 license applicants a fee sufficient to reimburse the department for
15 the costs of administering the license program, maintaining the
16 registry of handgun ammunition vendors, and necessary regulatory
17 functions, including enforcement, provided, however, that the fee
18 shall not exceed fifty dollars (\$50). Funds from the Dealers' Record
19 of Sale Special Account of the General Fund shall be made
20 available for expenditure by the department to offset the costs
21 incurred to initiate the license program pursuant to this section.

22 (3) The department shall issue licenses pursuant to this section
23 to the following applicants:

24 (A) Persons licensed pursuant to Section 12071.

25 (B) A person who is on the centralized list maintained by the
26 department pursuant to Section 12083.

27 (C) A target facility which holds a business or regulatory license.

28 (D) Gunsmiths.

29 (E) Wholesalers.

30 (F) Manufacturers or importers of firearms licensed pursuant
31 to Chapter 44 (commencing with Section 921) of Title 18 of the
32 United States Code, and the regulations issued pursuant thereto.

33 (4) The department shall waive all application fees for all
34 persons listed in subparagraphs (A) and (B) of paragraph (3).

35 (5) (A) The department shall keep a centralized registry of all
36 persons, businesses, and corporations that are vendors. No vendor
37 shall sell or transfer ownership of handgun ammunition pursuant
38 to their license unless the vendor is listed on the centralized
39 registry.

1 ~~(B) The department may remove from this registry any vendor~~
2 ~~that violates the provisions of this section.~~

3 ~~(C) The license of any vendor that violates this section three~~
4 ~~times shall be revoked, and that person, firm, or corporation shall~~
5 ~~become permanently ineligible to obtain a license pursuant to this~~
6 ~~section.~~

7 ~~(D) Upon removal of a vendor from the registry, notification~~
8 ~~shall be provided to local law enforcement and licensing authorities~~
9 ~~in the jurisdiction where the vendor's business is located.~~

10 ~~(6) Information compiled from the registry referred to in~~
11 ~~paragraph (5) shall be made available, upon request, for the~~
12 ~~following purposes:~~

13 ~~(A) For law enforcement purposes.~~

14 ~~(B) When the information is requested for the purposes of~~
15 ~~determining the validity of handgun ammunition deliveries or~~
16 ~~transfers.~~

17 ~~(e)~~

18 ~~12061. (a) A vendor shall comply with all of the following~~
19 ~~conditions, requirements and prohibitions:~~

20 ~~(1) (A) A vendor shall not permit any employee who the vendor~~
21 ~~knows or reasonably should know is a person described in Section~~
22 ~~12021 or 12021.1 of this code or Section 8100 or 8103 of the~~
23 ~~Welfare and Institutions Code to handle, sell, or deliver handgun~~
24 ~~ammunition in the course and scope of his or her employment.~~

25 ~~(B) Except as provided in subparagraph (C), for an employee~~
26 ~~of a vendor who becomes an employee after July 1, 2010, and who~~
27 ~~handles, sells, or delivers handgun ammunition, the employee shall~~
28 ~~provide to the vendor a certificate of eligibility obtained from the~~
29 ~~department pursuant to paragraph (4) of subdivision (a) of Section~~
30 ~~12071. The request shall be made within 45 days of employing~~
31 ~~the individual.~~

32 ~~(C) In the case of a person who is employed by a vendor on or~~
33 ~~before July 1, 2010, and who handles, sells, or delivers handgun~~
34 ~~ammunition, the employee shall provide to the vendor a certificate~~
35 ~~of eligibility obtained from the department pursuant to paragraph~~
36 ~~(4) of subdivision (a) of Section 12071 no later than August 15,~~
37 ~~2010.~~

38 ~~(2) A vendor shall not sell or otherwise transfer ownership of,~~
39 ~~offer for sale or otherwise offer to transfer ownership of, or display~~
40 ~~for sale or display for transfer of ownership of any handgun~~

1 ammunition in a manner that allows that ammunition to be
2 accessible to a purchaser or transferee without the assistance of
3 the vendor or employee thereof.

4 (3) Commencing ~~July 1, 2010~~ *February 1, 2011*, a vendor shall
5 not sell or otherwise transfer ownership of any handgun
6 ammunition without, at the time of delivery, legibly recording the
7 following information on a form that is in a format to be prescribed
8 by the department: *information:*

9 (A) The date of the sale or other transaction.

10 (B) The purchaser's or transferee's driver's license or other
11 identification number and the state in which it was issued.

12 (C) The brand, type, and amount of ammunition sold or
13 otherwise transferred.

14 (D) The purchaser's or transferee's signature.

15 (E) The name of the salesperson who processed the sale or other
16 transaction.

17 (F) The right thumbprint of the purchaser or transferee on the
18 above form.

19 (G) The purchaser's or transferee's full residential address and
20 telephone number.

21 (H) The purchaser's or transferee's date of birth.

22 (4) Commencing ~~July 1, 2010~~ *February 1, 2011*, the records
23 required by this section shall be maintained on the premises of the
24 vendor for a period of not less than five years from the date of the
25 recorded transfer.

26 (5) Commencing ~~July 1, 2010~~ *February 1, 2011*, the records
27 referred to in paragraph (3) shall be subject to inspection at any
28 time during normal business hours by any peace officer employed
29 by a sheriff, city police department, or district attorney as provided
30 in subdivision (a) of Section 830.1, or employed by the department
31 as provided in subdivision (b) of Section 830.1, provided the officer
32 is conducting an investigation where access to those records is or
33 may be relevant to that investigation, is seeking information about
34 persons prohibited from owning a firearm or ammunition, or is
35 engaged in ensuring compliance with the Dangerous Weapons
36 Control Law (Chapter 1 (commencing with Section 12000) of Title
37 2 of Part 4), or any other laws pertaining to firearms or ammunition.
38 The records shall also be subject to inspection at any time during
39 normal business hours by any other employee of the department,
40 provided that employee is conducting an investigation where access

1 to those records is or may be relevant to that investigation, is
 2 seeking information about persons prohibited from owning a
 3 firearm or ammunition, or is engaged in ensuring compliance with
 4 the Dangerous Weapons Control Law (Chapter 1 (commencing
 5 with Section 12000) of Title 2 of Part 4), or any other laws
 6 pertaining to firearms or ammunition.

7 (6) Commencing ~~July 1, 2010~~ *February 1, 2011*, the vendor
 8 shall not knowingly make a false entry in, fail to make a required
 9 entry in, fail to obtain the required thumbprint, or otherwise fail
 10 to maintain in the required manner records prepared in accordance
 11 with paragraph (2). If the right thumbprint is not available, then
 12 the vendor shall have the purchaser or transferee use his or her left
 13 thumb, or any available finger, and shall so indicate on the form.
 14 If the purchaser or transferee is physically unable to provide a
 15 thumbprint or fingerprint, the vendor shall so indicate on the form.

16 (7) Commencing ~~July 1, 2010~~ *February 1, 2011*, no vendor
 17 shall refuse to permit a person authorized under paragraph (5) to
 18 examine any record prepared in accordance with this section during
 19 any inspection conducted pursuant to this section, or refuse to
 20 permit the use of any record or information by those persons.

21 ~~(e)~~
 22 (b) Paragraph (3) of subdivision ~~(e)~~ (a) shall not apply to or
 23 affect sales or other transfers of ownership of handgun ammunition
 24 by licensed handgun ammunition vendors to any of the following
 25 that are properly identified as such in a manner prescribed by the
 26 Department of Justice, *if properly identified:*

- 27 (1) ~~Persons~~ *A person* licensed pursuant to Section 12071.
- 28 (2) A ~~licensed~~ handgun ammunition vendor.
- 29 (3) A person who is on the centralized list maintained by the
 30 department pursuant to Section 12083.
- 31 (4) A target facility which holds a business or regulatory license.
- 32 (5) Gunsmiths.
- 33 (6) Wholesalers.
- 34 (7) Manufacturers or importers of firearms licensed pursuant
 35 to Chapter 44 (commencing with Section 921) of Title 18 of the
 36 United States Code, and the regulations issued pursuant thereto.
- 37 (8) Sales or other transfers of ownership made to authorized
 38 law enforcement representatives of cities, counties, cities and
 39 counties, or state or federal governments for exclusive use by those
 40 government agencies if, prior to the delivery, transfer, or sale of

1 handgun ammunition, written authorization from the head of the
2 agency authorizing the transaction is presented to the person from
3 whom the purchase, delivery, or transfer is being made. Proper
4 written authorization is defined as verifiable written certification
5 from the head of the agency by which the purchaser, transferee,
6 or person otherwise acquiring ownership is employed, identifying
7 the employee as an individual authorized to conduct the transaction,
8 and authorizing the transaction for the exclusive use of the agency
9 by which he or she is employed.

10 ~~(e) Fees received by the department pursuant to this section~~
11 ~~shall be deposited in the Dealers' Record of Sale Special Account~~
12 ~~of the General Fund.~~

13 ~~(f)~~

14 (c) (1) A violation of paragraph (3), (4), (6), or (7) of
15 subdivision ~~(e)~~ (a) is a misdemeanor.

16 (2) The provisions of this subdivision are cumulative, and shall
17 not be construed as restricting the application of any other law.
18 However, an act or omission punishable in different ways by
19 different provisions of law shall not be punished under more than
20 one provision.

21 ~~SEC. 4~~

22 *SEC. 3.* A heading for Chapter 2.6 of Title 2 of Part 4 is added
23 to the Penal Code, immediately preceding Section 12316, to read:

24

25 CHAPTER 2.6. AMMUNITION

26

27 *SEC. 5.* Section 12316 of the Penal Code is amended to read:

28 12316. (a) (1) Any person, corporation, or dealer who does
29 ~~either any~~ of the following shall be punished by imprisonment in
30 a county jail for a term not to exceed six months, or by a fine not
31 to exceed one thousand dollars (\$1,000), or by both the
32 imprisonment and fine:

33 (A) Sells any ammunition or reloaded ammunition to a person
34 under 18 years of age.

35 (B) Sells any ammunition or reloaded ammunition designed
36 and intended for use in a handgun to a person under 21 years of
37 age. As used in this subparagraph, "ammunition" means handgun
38 ammunition as defined in subdivision (a) of Section 12323. Where
39 ammunition or reloaded ammunition may be used in both a rifle
40 and a handgun, it may be sold to a person who is at least 18 years

1 of age, but less than 21 years of age, if the vendor reasonably
2 believes that the ammunition is being acquired for use in a rifle
3 and not a handgun.

4 (C) Supplies, delivers, or gives possession of any ammunition
5 to any minor who he or she knows, or using reasonable care should
6 know, is prohibited from possessing that ammunition at that time
7 pursuant to Section 12101.

8 (2) Proof that a person, corporation, or dealer, or his or her agent
9 or employee, demanded, was shown, and acted in reasonable
10 reliance upon, bona fide evidence of majority and identity shall
11 be a defense to any criminal prosecution under this subdivision.
12 As used in this subdivision, “bona fide evidence of majority and
13 identity” means a document issued by a federal, state, county, or
14 municipal government, or subdivision or agency thereof, including,
15 but not limited to, a motor vehicle operator’s license, California
16 state identification card, identification card issued to a member of
17 the armed forces, or other form of identification that bears the
18 name, date of birth, description, and picture of the person.

19 (b) (1) No person prohibited from owning or possessing a
20 firearm under Section 12021 or 12021.1 of this code or Section
21 8100 or 8103 of the Welfare and Institutions Code shall own,
22 possess, or have under his or her custody or control, any
23 ammunition or reloaded ammunition.

24 (2) For purposes of this subdivision, “ammunition” shall include,
25 but not be limited to, any bullet, cartridge, magazine, clip, speed
26 loader, autoloader, or projectile capable of being fired from a
27 firearm with a deadly consequence. “Ammunition” does not include
28 blanks.

29 (3) A violation of paragraph (1) of this subdivision is punishable
30 by imprisonment in a county jail not to exceed one year or in the
31 state prison, by a fine not to exceed one thousand dollars (\$1,000),
32 or by both the fine and imprisonment.

33 (4) A person who is not prohibited by paragraph (1) from
34 owning, possessing, or having under his or her custody or control,
35 any ammunition or reloaded ammunition, but who is enjoined from
36 engaging in activity pursuant to an injunction issued pursuant to
37 Section 3479 of the Civil Code against that person as a member
38 of a criminal street gang, as defined in Section 186.22, may not
39 own, possess, or have under his or her custody or control, any
40 ammunition or reloaded ammunition.

1 (5) A violation of paragraph (4) of this subdivision is a
2 misdemeanor.

3 (c) Unless it is with the written permission of the school district
4 superintendent, his or her designee, or equivalent school authority,
5 no person shall carry ammunition or reloaded ammunition onto
6 school grounds, except sworn law enforcement officers acting
7 within the scope of their duties or persons exempted under
8 subparagraph (A) of paragraph (1) of subdivision (a) of Section
9 12027. This subdivision shall not apply to a duly appointed peace
10 officer as defined in Chapter 4.5 (commencing with Section 830)
11 of Title 3 of Part 2, a full-time paid peace officer of another state
12 or the federal government who is carrying out official duties while
13 in California, any person summoned by any of these officers to
14 assist in making an arrest or preserving the peace while he or she
15 is actually engaged in assisting the officer, a member of the military
16 forces of this state or of the United States who is engaged in the
17 performance of his or her duties, a person holding a valid license
18 to carry the firearm pursuant to Article 3 (commencing with Section
19 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle
20 guard, who is engaged in the performance of his or her duties, as
21 defined in subdivision (e) of Section 7521 of the Business and
22 Professions Code. A violation of this subdivision is punishable by
23 imprisonment in a county jail for a term not to exceed six months,
24 a fine not to exceed one thousand dollars (\$1,000), or both the
25 imprisonment and fine.

26 (d) (1) A violation of paragraph (1) or (4) of subdivision (b) is
27 justifiable where all of the following conditions are met:

28 (A) The person found the ammunition or reloaded ammunition
29 or took the ammunition or reloaded ammunition from a person
30 who was committing a crime against him or her.

31 (B) The person possessed the ammunition or reloaded
32 ammunition no longer than was necessary to deliver or transport
33 the ammunition or reloaded ammunition to a law enforcement
34 agency for that agency's disposition according to law.

35 (C) The person is prohibited from possessing any ammunition
36 or reloaded ammunition solely because that person is prohibited
37 from owning or possessing a firearm only by virtue of Section
38 12021 or ammunition or reloaded ammunition because of paragraph
39 (4) of subdivision (b).

1 (2) Upon the trial for violating paragraph (1) or (4) of
2 subdivision (b), the trier of fact shall determine whether the
3 defendant is subject to the exemption created by this subdivision.

4 (3) The defendant has the burden of proving by a preponderance
5 of the evidence that he or she is subject to the exemption provided
6 by this subdivision.

7 SEC. 6. Section 12317 is added to the Penal Code, to read:

8 12317. (a) Any person, corporation, or firm who supplies,
9 delivers, sells, or gives possession or control of, any ammunition
10 to any person who he or she knows or using reasonable care should
11 know is prohibited from owning, possessing, or having under his
12 or her custody or control, any ammunition or reloaded ammunition
13 pursuant to paragraph (1) or (4) of subdivision (b) of Section
14 12316, is guilty of a misdemeanor, punishable by imprisonment
15 in a county jail not exceeding one year, or a fine not exceeding
16 one thousand dollars (\$1,000), or by both that fine and
17 imprisonment.

18 (b) The provisions of this section are cumulative and shall not
19 be construed as restricting the application of any other law.
20 However, an act or omission punishable in different ways by this
21 section and another provision of law shall not be punished under
22 more than one provision.

23 (c) For purposes of this section, “ammunition” shall include,
24 but not be limited to, any bullet, cartridge, magazine, clip, speed
25 loader, autoloader, or projectile capable of being fired from a
26 firearm with deadly consequence. “Ammunition” does not include
27 blanks.

28 SEC. 7. Section 12318 is added to the Penal Code, to read:

29 12318. (a) Commencing ~~July 1, 2010~~ *February 1, 2011*, the
30 delivery or transfer of ownership of handgun ammunition may
31 only occur in a face-to-face transaction with the deliverer or
32 transferor being provided bona fide evidence of identity from the
33 purchaser or other transferee. A violation of this section is a
34 misdemeanor.

35 (b) For purposes of this section:

36 (1) “Bona fide evidence of identity” means a document issued
37 by a federal, state, county, or municipal government, or subdivision
38 or agency thereof, including, but not limited to, a motor vehicle
39 operator’s license, state identification card, identification card
40 issued to a member of the armed forces, or other form of

1 identification that bears the name, date of birth, description, and
2 picture of the person.

3 (2) “Handgun ammunition” means handgun ammunition as
4 defined in subdivision (a) of Section 12323, but excluding
5 ammunition designed and intended to be used in an “antique
6 firearm” as defined in Section 921(a)(16) of Title 18 of the United
7 States Code. Handgun ammunition does not include blanks.

8 (3) ~~“Licensed handgun~~ “Handgun ammunition vendor” has the
9 same meaning as set forth in Section ~~12062~~ 12060.

10 (c) Subdivision (a) shall not apply to or affect the deliveries,
11 transfers, or sales of, handgun ammunition to any of the following:

12 (1) Authorized law enforcement representatives of cities,
13 counties, cities and counties, or state and federal governments for
14 exclusive use by those government agencies if, prior to the delivery,
15 transfer, or sale of the handgun ammunition, written authorization
16 from the head of the agency employing the purchaser or transferee,
17 is obtained identifying the employee as an individual authorized
18 to conduct the transaction, and authorizing the transaction for the
19 exclusive use of the agency employing the individual.

20 (2) Sworn peace officers, as defined in Chapter 4.5 (commencing
21 with Section 830) of Title 3 of Part 2 who are authorized to carry
22 a firearm in the course and scope of their duties.

23 (3) Importers and manufacturers of handgun ammunition or
24 firearms licensed to engage in business pursuant to Chapter 44
25 (commencing with Section 921) of Title 18 of the United States
26 Code and the regulations issued pursuant thereto.

27 (4) Persons who are on the centralized list maintained by the
28 Department of Justice pursuant to Section 12083.

29 (5) Persons whose licensed premises are outside this state who
30 are licensed as dealers or collectors of firearms pursuant to Chapter
31 44 (commencing with Section 921) of Title 18 of the United States
32 Code and the regulations issued pursuant thereto.

33 (6) Persons licensed as collectors of firearms pursuant to Chapter
34 44 (commencing with Section 921) of Title 18 of the United States
35 Code and the regulations issued pursuant thereto whose licensed
36 premises are within this state who has a current certificate of
37 eligibility issued to him or her by the Department of Justice
38 pursuant to Section 12071.

39 (7) ~~A licensed~~ handgun ammunition vendor.

1 (8) A consultant-evaluator, as defined in subdivision (s) of
2 Section 12001.

3 SEC. 8. The heading of Chapter 2.6 (commencing with Section
4 12320) of Title 2 of Part 4 of the Penal Code is repealed.

5 SEC. 9. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.